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RECENT CASES

ADMIRALTY — JURISDICTION — STATE WORKMEN'S COMPENSATION ACTS AS APPLIED TO MARITIME ACCIDENTS. — A bargeman employed by the petitioner was accidentally killed in the course of his employment. A federal statute provides that state workmen's compensation acts may apply to maritime accidents. (40 STAT. AT L. 395.) The dependents of the deceased were awarded compensation under the Workmen's Compensation Law of New York. The petitioner sought to have the award annulled on the ground that the federal statute was unconstitutional. *Held*, that the award be annulled. *Knickerbocker Ice Co. v. Stewart*, U. S. Sup. Ct., October Term, 1919, No. 543.

The judicial power of the United States extends to "all cases of admiralty and maritime jurisdiction." CONSTITUTION, Art. 3, § 2. The purpose of this provision is to establish a uniform national system of maritime law. See *The Lottawanna*, 21 Wall. (U. S.) 558, 574; *Southern Pacific Co. v. Jensen*, 244 U. S. 205, 215; *Chelentis v. Luckenbach S. S. Co.*, 247 U. S. 372, 381. State regulation of matters where uniformity is not essential is permissible. *The J. E. Rumbell*, 148 U. S. 1; *The Hamilton*, 207 U. S. 398. Thus, a state may fix pilotage fees. *Cooley v. Board of Wardens*, 12 How. (U. S.) 299. But state legislation on matters as to which uniformity is necessary is invalid. *The Moses Taylor*, 4 Wall. (U. S.) 411; *The Roanoke*, 189 U. S. 185. Workmen's compensation legislation is such a matter. *Southern Pacific Co. v. Jensen*, 244 U. S. 205. See 31 HARV. L. REV. 488. Since state legislation producing diversity of regulation on this matter is unconstitutional, it would seem that federal legislation producing the identical diversity by making effective the identical state enactments would also be unconstitutional. A different result has been reached, however, in analogous cases involving the commerce clause. CONSTITUTION, Art. 1, § 8. The purpose of the clause is to secure uniformity of commercial regulations. See *Brown v. Maryland*, 12 Wheat. (U. S.) 419, 445; *Minnesota Rate Cases*, 230 U. S. 352, 399. Nevertheless, federal legislation making effective state regulation of interstate traffic in intoxicating liquors has been upheld. *In re Rahrer*, 140 U. S. 545; *Clark Distilling Co. v. Western Maryland Railway Co.*, 242 U. S. 311. Relying on the analogy of these cases, a result contrary to that in the principal case had been reached in the federal courts. *The Howell*, 257 Fed. 578. See also *Veasey v. Peters*, 142 La. 1012, 77 So. 948. The commerce cases, however, are explainable as manifestations of a tendency to uphold legislation regulating the liquor traffic which would be invalid if applied to ordinary commodities. See *Clark Distilling Co. v. Western Maryland Railway Co.*, 242 U. S. 311, 332; *Sudden & Christenson v. Industrial Accident Commission*, 188 Pac. (Cal.) 803, 805. Hence the decision in the principal case seems correct. A similar result had already been reached by the Supreme Court of California. *Sudden & Christenson v. Industrial Accident Commission*, 188 Pac. (Cal.) 803.

BAILMENTS — GRATUITOUS BAILMENTS — DEGREE OF CARE REQUIRED OF BAILEE. — An insured gave the defendant a sum of money, requesting the latter to transmit it in payment of a monthly premium. The defendant, also an insured in the same company, undertook the task gratuitously. Overlooking the date when both his and the insured's premiums were due, he forwarded the money when they were overdue. Consequently the insured was suspended and remained so until his death. The plaintiff, beneficiary of the lapsed policy, sued for the amount payable under the policy. *Held*, that she may recover. *Maddock v. Riggs*, 190 Pac. 12 (Kan.).